"arteriosclerosis" in Claim 10 has been corrected.

It is submitted that the above amendments have cured whatever informality the Examiner perceived in the specification and claims and that these are in condition for allowance as corrected.

The Examiner to the contrary, Claims 4 and 8 are not duplicates of Claim 1. There are other free-radical scavengers than those covered by the chemical formula in Claim 1 and there are other RRI's than those covered by the chemical formula in Claim 1. Applicnat would willingly rewrite Claims 4 and 8 as independant generic claims if such action would remove the Examiner's objections.

Claims 1-11 are rejected under 35 U.S.C. 112, 2nd paragraph for using the term "NF-κB inhibiting amount" on the grounds that the term has no particular art-recognized meaning and has not been adequately defined. In carrying out the process of Claim 1, a skilled artisan would administer a drug coming within the scope of the chemical formula in an amount sufficient to carry out the desired inhibition of NF-κB. The amount necessary to accomplish this end is determined experimentally. Claim language similar to that used by Applicant has been employed in coumtless issued patents where the inventor wishes to cover an amount of the drug which is effective for the claimed therapeutic purpose.

Claim 1 is also objected to as indefinite in reciting that a group of compounds defined by a formula are to be administered either as such, in the form of a pharmaceutically-acceptable acid addition salt or as an acylated-phenol derivative. Applicant believes that the language employed in Claim 1 is unambiguous and that similar language can also be found in countless United Staes patents. Claim 2 is said to be indefinite because it contains the phrase "includes, but is not limited

to". In the claim, Applicant has listed several external agencies which are presently felt to be important in initiating inflammatory processes, but there are undoubtedly other initiators known, and Applicant wishes to cover these also by his claim,

A typographical error in Claim 2 has been corrected. Applicant believes that no new matter was introduced thereby.

Claims 9-11 are said to be indefinite because "tissue transplants, organ transplants, a cell transplant, arteriosclerosis or diabetes" are seen to be "an external agency". Applicant is claiming as his invention, a method of inhibiting NF-$_k$B in a mammalian cell wherein NF-$_k$B has been activated by some physiological reaction external to that cell. None of the recited condition are intrcellular. Diabetes is a disease of the islet cells of the pancreas and this disease can produce inflammation. Arteriosclerosis is also a generalized disease, one component of which may involve an inflammatory process. It is these inflammatory processes that Applicant's novel therapeutic process can treat, not the underlying disease. Applicant submits that Claims 1-11 particularly point and distinctly claim the invention and that, in accordance with the above argumentnts, these claims are not subject to a rejection under 35 U.S.C. 112 1st paragraph. The rejection should be withdrawn.

Claims 1-11 are rejected as obvious under 35 U.S.C. 103(a) on the ground that anti-oxidants are known to inhibit NF-$_k$B. However, the Examiner goes on to say, without citing any reference, that one of ordinary skill in the art would recognize that RRIs and free radical scavengers are also all antioxidants. Applicants believe that the Examiner came to this conclusion after reading the above-entitled application, since

Applicant knows of no prior art which holds that RRI activity depends upon an antioxidant property. For example, vitamin E is said to be an anti-oxidant, which statement Applicant interprets to mean that, on the cellular level, vitamin E prevents the formation of peroxides. These peroxides, in turn , take part in peroxide chain reactions via a free-radical mechanism. which the present invention seeks to prevent by reacting with a free-radical and thus stopping the chain reaction. The two activities, forming peroxides and ending peroxide originated freeradical chain reactions, are entirely different and not suggestive of one another. Some RRIs and some free-radical scavengers may have, indirectly, antioxidant action, but such action is not obligatory and is actually coincidental.

Applicant submits that the rejection is based on hindsight and is unsupported by prior art references. The rejection of Claims 1-11 under 35U.S.C. 103(b) should be withdrawn.

There being no remaining bar to the allowance of Claims 1-11, such favorable action is repectfully requested.

Respectively submitted,

James L. Rowe

Attorney for Applicant

Reg. No. 18,448

7775 Spring Mill Road

Dated:

7/15/99